

United States Court of Appeals for the Fifth Circuit

No. 23-10564

United States Court of Appeals
Fifth Circuit

FILED

February 2, 2024

STATE OF TEXAS; LUBBOCK INDEPENDENT SCHOOL DISTRICT; ~~DAVID W. CAYCE~~
Clerk
Plaintiffs—Appellees,

versus

XAVIER BECERRA, *Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; JOOYUEN CHANG, *Principal Deputy Assistant Secretary*; ADMINISTRATION FOR CHILDREN & FAMILIES; KATIE HAMM, *Deputy Assistant Secretary for Early Childhood*; OFFICE OF EARLY CHILDHOOD DEVELOPMENT; BERNADINE FUTRELL, *Director of the Office of Head Start*; OFFICE OF HEAD START; JOSEPH R. BIDEN, *President of the United States*,

Defendants—Appellants.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:21-CV-300

UNPUBLISHED ORDER

Before JONES, HIGGINSON, and HO, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that appellants' opposed motion to vacate the District Court judgment as moot is DENIED to the extent it is opposed.

Appellees “agree that the portion of the final judgment remanding the case back to the agency . . . may be properly vacated.”